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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Bianchi et al.

Serial No. 10/699,175

Filed October 31, 2003

OPEN INTERVERTEBRAL SPACER

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) Before the Examiner
) Jackson, Suzette Jamie
)
) Group Art Unit
) 3738
)
)
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RESPONSE TO FIRST OFFICE ACTION
UNDER 37 C.F.R. §1.111

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated August 11, 2004, Applicants respectfully request entry of the following amendments and consideration of the accompanying remarks. This response is being filed on Monday, December 13, 2004, the first business day after Saturday, December 11, 2004.

Amendments to the specification begin on page 2.

Amendments to the claims begin on page 3.

Remarks begin on page 14.

A Request for an Extension of Time to respond to this Office Action is submitted concurrent with the Response. Additionally, please provide any further extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 23-3030, but do not include any payment of issue fees that are or may become due.

12/20/2004 FRETETI1 0000003 10599175

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03 FC:1202 50.00 00

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

December 13 2004

(Date of Deposit)

James B. Myers

Name of Registered Representative

James B. Myers

Signature

Response to Office Action
Bianchi et al. USSN 10/699,175
#298038